

REMARKS

The Examiner's Final Office Action dated 05/19/06 has been reviewed. The Examiner's objection to Claim 2 for an informality in line 13 is noted. In response thereto, applicant has replaced "ache" on line 13 with --each--. It is deemed that this correction of the typographical error on line 13 overcomes the Examiner's objection to Claim 2.

The Examiner has then rejected Claim 2 "under 35 U.S.C. 103(a) as being unpatentable over Ziaylek (U.S. Patent 4,848,714) in view of Highwood (U.S. Patent 2,615,238). This rejection is traversed.

While at first blush it may appear that the Highwood and Ziaylek patents may be combined to form a basis of rejection, a careful examination of the teachings of the two leads to a contrary holding.

Ziaylek is a device for mounting a cylinder of a compressed gas or liquid to a surface. The surface taught is a wall or interior of a vehicle, such as a fire truck. Zialek has a pair of C-shaped clamps with rollers located on the ends to facilitate removal or insertion. The structure and teaching of Ziaylek is one of having a device that allows a user to store and remove a tank in the holder. The tank is pulled from the grip of the holder without loosening any device. The spring tension of the holding arms, Fig. 1, #28, keeps the tank within the device. The

holding arms are C-shaped and do not encompass the diameter or periphery of the tank. The Highwood device uses a clamp that contains and holds the tank in a fixed position. The Highwood device does not allow a user to pull the tank from the device by merely pulling on the tank, as the Ziaylek device allows. Instead, the Highwood patent teaches the use of a clamping device that totally encircles the tank. Highwood teaches a latching device that uses levers and springs to fix the tank in an immovable position. Where one could strip the tank from the Ziaylek device, one could only remove the tank from the Highwood device if one loosened the clamping device. Ziaylek teaches a device for holding a tank so that it could be quickly removed, and Highwood, contrary to the Ziaylek teaching, teaches a device that holds a tank fast, without allowing for removal of the tank unless the retaining device is loosened.

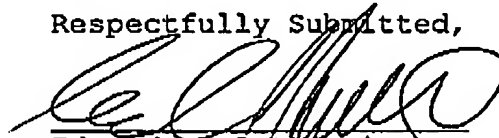
The Ziaylek and Highwood patents teach away from each other. Highwood has an encircling ring, whereas Ziaylek has a partial ring. Because they teach away from each other, the Highwood and Ziaylek patents cannot be combined to form the basis for an obviousness rejection. Neither piece of prior alone is adequate to form a basis for rejection, and the two cannot be combined.

The only teaching of a system having all the limitations of the claims is the present specification, which, by definition is not prior art.

If the Examiner is not of the opinion that this amendment places the application in condition for allowance, she is requested to enter it for purposes of appeal.

Applicant submits that the foregoing remarks, in conjunction with the amendments provided below, are fully responsive to the Examiner's objections and rejections. The Applicant requests that the objections and rejections be withdrawn, and the application be passed forward to issue.

Respectfully Submitted,



Edward P. Dutkiewicz
Regis. 46,676
640 Douglas Avenue
Dunedin, FL 34698
PH: (727) 734-2855
FX: (727) 734-2750